

JUN 12 1989

Certified Mail
Return Receipt Requested

American Chemical Service, Inc.
and James Tarpo
P.O. Box 190
Griffith, Indiana 46219

Re: The American Chemical Service Site

Dear Sir:

The United States Environmental Protection Agency (EPA) has documented the releases or threatened releases of hazardous substances, pollutants or contaminants at the above referenced site, and is planning to spend public funds to control and investigate these releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601 et seq., unless EPA determines that such action will be done properly by a responsible party. Responsible parties under CERCLA include the current and former owners or operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the site.

Based on data we received during our investigation concerning the hazardous substances at this site, EPA has information that indicates that you and/or your firm may be a responsible party. Before the government undertakes necessary action at the site, we would like to know if you will voluntarily perform the work required to abate any releases or threatened releases of hazardous substances, pollutants, and contaminants from the site. You should be aware that under Section 107(a) of CERCLA, where the Agency uses public funds to achieve the cleanup of the hazardous substances, you may be liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the site, including investigation, planning and enforcement.

US EPA RECORDS CENTER REGION 5



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The EPA is currently planning to conduct the following studies at the above site:

1. Further remedial investigation to identify the local hydrogeological characteristics, and define the nature and extent of soil, air, and surface water contamination at the site, and
2. Feasibility studies to evaluate possible remedial actions to remove or contain hazardous substances, pollutants, and contaminants at the site.

In addition to the above studies, other corrective measures may be necessary to protect public health, welfare or the environment. These corrective measures may include, but are not necessarily limited to:

1. Implementation of initial remedial measures, e.g., securing the site to prevent contact with any potentially hazardous or toxic materials at the site and/or removal of contaminated material from the surface;
2. Designing and implementing the U.S. EPA approved remedial option for both the contaminated groundwater and soil;
3. Providing any monitoring and maintenance necessary after remedial measures have been completed.

EPA will consider an immediate offer from you to conduct the remedial investigations and feasibility studies (RI/FS) described above. Attached is a Statement of Work which describes the nature of the RI/FS. You should notify EPA, in writing, within 10 calendar days from the receipt of this letter, of your willingness to conduct or participate with other potentially responsible parties in the RI/FS. Otherwise, EPA will assume that you decline any involvement in the RI/FS and will proceed with the appropriate studies and any initial remedial measures needed to secure the site. EPA may later invite you to undertake the design and implementation of the selected remedy upon the Agency's completion of the RI/FS.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary action, or involved in a lawsuit regarding this site, you should continue such activities as you see fit; you should not interpret this letter to advise or direct you to restrict or discontinue any such activities. You should report, however, the status of those discussions or that action in your letter. Please provide a copy of your letter to any other parties involved in those discussions. Also, please indicate if you or your representative would like to meet with EPA to discuss this matter.

Your letter should be sent to:

Mr. John Oaks
U.S. EPA - Region V
Waste Management Division
Hazardous Waste Enforcement Branch
CERCLA Enforcement Section
230 South Dearborn Street
Chicago, Illinois 60604

Mr. Oaks can also be reached by telephone at (312) 886-4745.

If you need further information regarding our information request, you may contact Mr. Rodney Gaither of our Hazardous Waste Enforcement Branch at (312) 886-4735, or if you have any legal questions, contact Mr. David Taliaferro, Assistant Regional Counsel at (312) 886-6666.

Due to the nature of the problem at this site and the attendant legal ramifications, EPA strongly encourages you to submit a written response with the time frame specified herein. We hope that you will give this matter your immediate attention.

Sincerely yours,

Basil G. Constantelos, Director
Waste Management Division

Enclosure

bcc: David Taliaferro, Assistant Regional Counsel ✓
Gene Lucero, (WH-527)
W. Turner, Indiana State Board of Health
R. Bartelt, 5HR-11
R. Gaither, RPM
M. Strimbu, RPM
R. Diefenbach, 5HE-12
J. Oaks, 5HE-12
N. Niedergang, 5HE-12